IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.4333 of 2007
Date of Decision: 22.3.2007

Vikramjit Singh

Petitioner

versus

Financial Commissioner (Cooperation), Punjab, Chandigarh and others

Respondents

CORAM:- **HON'BLE MR. JUSTICE JASBIR SINGH**

HON'BLE MRS. JUSTICE NIRMAL YADAV

Present: Shri G.S.Sandhawalia, Advocate for the petitioner

Jasbir Singh, J. (Oral)

Dispute in this writ petition pertains to the appointment of Lamberdar in village Hasan Munda, District Jalandhar. On accrual of vacancy, applications were invited. The petitioner and respondent No.4 were the contesting candidates. The Collector, vide order dated 20.11.2003, appointed the petitioner as Lamberdar of the village. It is apparent from the order Annexure P/1 that merits of respondent No.4 were not discussed at all simply by stating that one Jaswant Singh has not appeared before the Collector, the order was passed in favour of the petitioner. Jaswant Singh was not a candidate, merits of respondent No.4 were not considered at all, this clearly shows non-application of mind by the Collector. Ordinarily, choice of the Collector is not to be interfered with, unless the same is perverse in law and facts. In the present case, on facts, respondent No.4 is definitely a better candidate. Reports made by the subordinate revenue authorities were available before the Collector, he should have discussed the comparative merits of the candidates and then appoint Lamberdar, however, in this case, superior claim of respondent No.4 was ignored merely because

he was not present before the Collector. We feel that ground, to deny relief to respondent No.4, was not justified, as the parties, unless otherwise directed, are not supposed to remain present in person. Appearance through counsel is permissible. As the Collector has erred in appointing the petitioner as Lamberdar, without discussing merits of respondent No.4, in appeal, the Commissioner, reversed the order and appointed respondent No.4 as Lamberdar of the village. That order was upheld by the Financial Commissioner, by dismissing revision petition filed by the petitioner.

We have heard counsel for the petitioner and are convinced that respondent No.4 is a better candidate. He is a matured person, owns more land and is highly educated i.e. Graduate in Physical Education. No case is made out for interference.

Dismissed.

(Jasbir Singh)
Judge

March 22, 2007 **(Nirmal Yadav)**
gk **Judge**